

Minutes - Board Meeting – 06/15/2011

Minutes of the meeting of the Board of Trustees of the Incorporated Village of Mineola held Wednesday, June 15, 2011 at Village Hall, 155 Washington Avenue, Mineola, New York 11501.

PRESENT: Mayor Scott P. Strauss
Trustee Lawrence A. Werther
Trustee Paul S. Cusato
Trustee Paul A. Pereira
Trustee George R. Durham

ALSO PRESENT: Village Attorney John M. Spellman
Village Clerk Joseph R. Scalero
Deputy Village Clerk Cora T. Kelly
Village Treasurer Giacomo A. Ciccone

Press Observer: Rich Forestano, *Mineola American*
Geoffrey Walter, *Patch .com*
Timothy Meyer *Williston Times*

Sunshine Observers: 15 Observers

Mayor Scott P. Strauss called the Work Session to order at 6:55 PM.

Resolution No. 136-11

Resolved to approve bills and payroll.

Motioned by Trustee Lawrence A. Werther
Seconded by Trustee Paul S. Cusato

Vote:

<u>Yes</u>	<u>No</u>	<u>Abstain</u>
Mayor Scott P. Strauss		
Trustee Lawrence A. Werther		
Trustee Paul S. Cusato		
Trustee Paul A. Pereira		
Trustee George R. Durham		

Resolution No. 137-11

Resolved to approve a request of Mineola Youth and Family Services for the use of Wilson Park facilities from July 5, 2011– August 12, 2011 from 1:30 PM – 4:00 PM on Mondays and from 12:30 PM – 4:00 PM on Tuesdays through Fridays and the use of the Community Center and a general purpose room during inclement weather for their summer program.

Motioned by Trustee Paul A. Pereira
Seconded by Trustee George R. Durham

Vote:

<u>Yes</u>	<u>No</u>	<u>Abstain</u>
Mayor Scott P. Strauss		
Trustee Lawrence A. Werther		
Trustee Paul S. Cusato		
Trustee Paul A. Pereira		
Trustee George R. Durham		

Resolution No 138-11

Resolved to authorize the Village Clerk to attend the Cornell Municipal Clerks Institute at Cornell University in Ithaca, New York July 17-21.

Motioned by Trustee George R. Durham
Seconded by Trustee Lawrence A. Werther

Vote:

<u>Yes</u>	<u>No</u>	<u>Abstain</u>
Mayor Scott P. Strauss		
Trustee Lawrence A. Werther		
Trustee Paul S. Cusato		
Trustee Paul A. Pereira		
Trustee George R. Durham		

Resolution No. 139-11

Resolved to transfer \$5,000.00 from the contingency line to the celebrations line for payment of the fireworks on July 1, 2010

Motioned by Trustee Lawrence A. Werther

Seconded by Trustee Paul S. Cusato

Vote:

Yes

No

Abstain

Mayor Scott P. Strauss
Trustee Lawrence A. Werther
Trustee Paul S. Cusato
Trustee Paul A. Pereira
Trustee George R. Durham

Mayor Scott P. Strauss announced that there will be two Nassau Pops Concerts in July at Memorial Park starting at 8:00 pm with one fireworks show. The first concert will be on Friday, July 1st with a fireworks show starting approximately at 9:30 pm and the second concert will be on Friday, July 22nd (fireworks raindate).

Resolution No. 140-11

Resolved to approve the following year-end budget transfers:

Fire Department
Budget Transfers
Fiscal Year 2010/2011

Account Number	Name of Account	Increase	Decrease
10341020000	Equipment	\$580.48	
10341040400	Stationery & Printing	84.17	
10341040606	Computers	256.35	
10341040618	Miscellaneous Supplies	3,518.26	
10341040628	Scott Masks	86.84	
10341040632	Tools	35.58	
10341041600	Utilities - Electric	898.41	
10341041800	Communications	5,154.89	
10341042002	Rental Equipment	127.59	
10341045513	Repairs - Equipment	609.04	
		<u>\$11,351.61</u>	
10341020006	Equipment - Hose		\$255.75
10341040602	Badges & Plaques		72.66
10341040625	Fitness Equipment		265.02
10341040900	Uniforms		1,761.50
10341041300	OSHA Medicals		211.07
10341041504	Fire Prevention		54.50
10341041505	Celebrations		1,167.83
10341041601	Utilities - Gas		5,100.70
10341042601	Junior Firefighter		490.00
10341045502	Repairs - Auto & Trucks		355.13
10341045503	Elevator Inspections		118.20
10341045507	Repairs - Buildings		218.08
10341048000	Dues & Conferences		952.31
10341078000	Serial Bonds - Interest		0.36
10341078200	Bond Anticipation Note - Interest		0.50
10341082831	Service Awards Administrative		328.00
			<u>\$11,351.61</u>

Motioned by Trustee Lawrence A. Werther

Seconded by Trustee Paul S. Cusato

Vote:

Yes

No

Abstain

Mayor Scott P. Strauss
Trustee Lawrence A. Werther
Trustee Paul S. Cusato
Trustee Paul A. Pereira
Trustee George R. Durham

Trustee Lawrence A. Werther reported that there are proposed rule changes being considered and supported by the Federal Communication Commission (FCC) which, if enacted would severely limit or eliminate the village's authority to regulate cable providers and/or negotiate franchise agreements with them. The result would be the loss of \$300,000 in franchise fees for the Village of Mineola and the possible loss of public access channels. Trustee Werther further reported that Mr. Thomas Levin, Esq. of Meyer, Suozzi, English, and Klein has volunteered to respond on behalf of all Nassau villages in opposing this.

Resolution No. 141-11

Resolved to authorize the Village Attorney to prepare a direct response from the Village of Mineola to the FCC opposing these changes and to act with Mr. Thomas Levin and the Nassau County Village Officials Association, as appropriate, to join with the group in opposing these rule changes.

Motioned by Trustee Lawrence A. Werther

Seconded by Trustee Paul A. Pereira

Vote:

Yes

No

Abstain

Mayor Scott P. Strauss
Trustee Lawrence A. Werther
Trustee Paul S. Cusato
Trustee Paul A. Pereira
Trustee George R. Durham

[A recess was taken at 7:05 PM – 7:30 PM]

Village Attorney John M. Spellman recommended the following resolutions:

Resolution No. 142-11

BOARD OF TRUSTEES
INCORPORATED VILLAGE OF MINEOLA

-----X
In the Matter of the Application of

HSP ASSOCIATES, INC.

DECISION

For a Special Use
Permit pursuant to
Chapter 30, Section
30.31(B) and Section
30.51(A) of the Code
of the Incorporated
Village of Mineola, at
premises known as 94
Union Street, Mineola,
New York, known
and designated on the
Nassau County Land
and Tax Map as
Section 9, Block 527,
Lots 142 and 143.

-----X
NAME OF APPLICANTS:

HSP Associates, Inc.

SUBJECT PROPERTY:

Section 9, Block 527, Lots 142 and 143

STREET LOCATION:

94 Union Street
Mineola, New York 11501

ZONING DISTRICT:

“M” District

RELIEF REQUESTED:

Application For a Special Use Permit pursuant to Chapter 30, Section 30.31(B) and Section 30.51 for the interior renovation to a physical exercise facility upon the property

PUBLICATION & POSTING:

All in accordance with applicable laws, rules and regulations.

DATE OF HEARING:

April 13, 2011

APPEARANCES:

Sol Niego, Architect

IN SUPPORT:

Lynn Savino and Frank Savino, Owners

DECISION:

HSP Associates, Inc. (hereinafter, “Applicant”) is before this Board pursuant to Chapter 30, Section 30.31 and Section 30.51 of the Municipal Code of the Incorporated Village of Mineola for a special use permit for the interior renovations to a physical exercise facility upon the property known as 94 Union Street, Mineola, New York (known and designated on the Nassau County Land and Tax Map as Section 9, Block 527, Lots 142 and 143) (hereinafter, the “Property”).

By Notice of Disapproval, dated March 11, 2011, Applicant’s building permit was denied. The Building Inspector determined that the proposed application is contrary to the Village’s zoning regulations in that the interior renovation to a physical exercise facility upon the Property requires a special

use permit. Applicant was thus required to seek relief before the Board of Trustees for a special use permit.

Based upon the evidence adduced at the public hearing, and the documentation submitted to the Board in support of the application, the Board makes the following findings of fact:

- 1) Applicant is seeking a special use permit for the interior renovations to a physical exercise facility upon the property known as 94 Union Street, Mineola, New York;
- 2) Training sessions are by appointment only at thirty (30) minute sessions;
- 3) Applicant shall not sell food, beverages and/or supplements upon the Property;
- 4) Applicant shall not have more than six (6) employees working at one time;
- 5) The proposed use, subject to the conditions imposed by this Board, will provide a desirable service and convenience to the Village.

Based upon the above findings, it is hereby determined that the proposed use, subject to the conditions stated below, is harmonious to the “M” District, will conform to the general character of the neighborhood and that the public health, morals, safety and general welfare of such neighborhood will be secured by the granting of the requested Special Use Permit. Further, it is hereby determined that the Special Use Permit will provide a desirable facility to the area and will not be incongruous to the neighborhood by reason of excessive traffic.

IT IS THEREFORE RESOLVED, that the Special Use Permit is **GRANTED** subject to the following conditions:

- 1) Hours of operation will be 7am to 7pm, Monday through Friday; 7am to 1pm, Saturday; and Closed Sunday;
- 2) No food, beverages and/or supplements will be sold upon the Property;
- 3) Applicant shall utilize off-site parking for all staff parking and will encourage patrons to utilize on-street parking in the industrial area and to refrain from parking in the municipal lot adjacent to the gymnasium;
- 4) The operation of the facility shall be self-contained within the interior of the building and no activities shall take place outside the building;
- 5) Applicant shall provide for proper emergency egress from the building on the north side of the building and the current east side egress shall be closed;
- 6) The maximum number of patrons and staff occupying the building at any one time shall be limited to thirty-six (36) persons;
- 7) Each of these conditions is material to the approval granted by the Board of Trustees. Violations of any of them shall subject the applicant or its successors to enforcement pursuant to the Village’s Municipal Code, including possible revocation of this special permit;
- 8) The representations made by Applicant on the record in this proceeding have been deemed material to this application and have been relied upon by the Board of Trustees in its deliberations and decisions. Said representations are deemed to be part of the conditions of this special permit; and
- 9) Violation of a condition set forth in this decision shall be deemed a violation of the Village Zoning Law and shall subject the owner or occupant of the premises to all penalties set forth in the Zoning Law.

Motioned by Trustee Lawrence A. Werther

Seconded by Trustee Paul S. Cusato

Village Clerk Joseph R. Scalero polled the Board:

Vote:

Yes

No

Abstain

Trustee Lawrence A. Werther

Trustee Paul A. Pereira

Trustee Paul S. Cusato

Trustee George R. Durham

Mayor Scott P. Strauss

Resolution No. 143-11

WHEREAS, the Board of Trustees of the Incorporated Village of Mineola (“Board of Trustees”) has received a special permit application for a Development Incentive Bonus, pursuant to §30.5.1 of the Code of the Village of Mineola, to allow the development of a Research Center Office Building at the northwest quadrant of the intersection of Mineola Boulevard and Second Street, an application for site plan approval and an application for architectural approval; and

WHEREAS, as part of the application, the project sponsor shall propose various public amenities in order to secure a development incentive bonus; and

WHEREAS, the Board of Trustees seeks to commence a coordinated environmental review of the proposed project under the New York State

Environmental Quality Review Act (SEQRA).

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees hereby declares its intent to act as lead agency in a coordinated environmental review of the proposed project.

Motioned by Trustee Paul A. Pereira
Seconded by Trustee George R. Durham

Vote:

<u>Yes</u>	<u>No</u>	<u>Abstain</u>
Mayor Scott P. Strauss		
Trustee Lawrence A. Werther		
Trustee Paul S. Cusato		
Trustee Paul A. Pereira		
Trustee George R. Durham		

Village Attorney John M. Spellman recommended that July 13, 2011 be set as a Public Hearing date on the application of Winthrop University Hospital for the development of a Research Center Office Building, subject to receipt of appropriate documentation.

Mayor Scott P. Strauss set the July 13, 2011 as the date for said Public Hearing.

Mayor Scott P. Strauss requested a motion to close the Work Session at 7:35 PM.

Motioned by Trustee Lawrence A. Werther
Seconded by Trustee George R. Durham

Vote:

<u>Yes</u>	<u>No</u>	<u>Abstain</u>
Mayor Scott P. Strauss		
Trustee Lawrence A. Werther		
Trustee Paul S. Cusato		
Trustee Paul A. Pereira		
Trustee George R. Durham		

Mayor Scott P. Strauss called the Public Meeting to order at 7:35 PM.

PRESENT: Mayor Scott P. Strauss
Trustee Lawrence A. Werther
Trustee Paul S. Cusato
Trustee Paul A. Pereira
Trustee George R. Durham

ALSO PRESENT: Village Attorney John M. Spellman
Village Clerk Joseph R. Scalero
Deputy Village Clerk Cora T. Kelly
Village Treasurer Giacomo A. Ciccone

Press Observer: Rich Forestano, *Mineola American*
Geoffrey Walter, *Patch .com*
Rich Tedesco, *Williston Times*

Sunshine Observers: 23 Observers

Mayor Scott P. Strauss reported that Saturday June 18, 2011 at 10:00AM the John S. DaVanzo Community Pool will be opening for the summer season and thanked Department of Public Works Superintendent Thomas J. Rini and his staff for their hard work in preparing the pool for this season. Mayor Strauss stated that there will be two Nassau Pops Concerts held in July. July 1, 2011 at 8:00 PM at Memorial Park with a fireworks show to follow, and the second concert on July 22, 2011 at 8:00 PM, (this being the raindate for fireworks should it rain on July 1st). Mayor Strauss reported that he attended the Senior Award breakfast at the Mineola High School and congratulated Angela Athan in receiving the Mayor's Citizenship Award and congratulated the entire class of 2011 graduates wishing them well in the future. Mayor Strauss announced that he had the privilege of swearing in the officers of the Leisure Club and congratulated President Lillian Barnola and her staff. Mayor Strauss stated that at the Mineola Fire Department Installation Dinner Ex-Chief Albert Maiolica was awarded the "Firefighter of the Year" award posthumously, the 1st time this has been done. Mayor Strauss commented that he attended the "Patriots Day" program at the Hampton Street School and commended the students and faculty for a wonderful program. Mayor Strauss announced that former Trustee John S. DaVanzo was inducted into the New York State Veterans Hall of Fame and congratulated him and thanked him for his meritorious service. Mayor Strauss wished all fathers a happy Father's Day.

Trustee Lawrence A. Werther reiterated that the Federal Communication Commission (FCC) is supporting rule changes which would usurp villages' rights to regulate broadband and cable providers which would result in loss of revenues and services and recommended strongly that residents contact Representative Carolyn McCarthy and Senators Charles Schumer and Kirsten Gillibrand to voice their opposition. Trustee Werther congratulated Senator Jack M. Martins on recently being named one of "Long Island's 50 Most Powerful People" by the Long Island Press and wished all fathers a happy Fathers Day.

Trustee Paul S. Cusato stated that he attended the Mineola High School awards breakfast and commended the organizations which support our students and announced that approximately \$78,000.00 in donated scholarships were awarded to members of the class of 2011. Trustee Cusato congratulated the awardees and the entire graduating class, and wished them well in the future. Trustee Cusato stated that he attended the Portuguese Carnival, thanked the

community for all their hard work organizing it and wished all fathers a happy Father's Day.

Trustee Paul A. Pereira stated that he attended the Portuguese Carnival and commended the Mineola Portuguese Center for all their work in organizing such an important cultural event. Trustee Pereira congratulated the Mineola Portuguese Soccer Club on winning the New York State Amateur Soccer Championship for 2011. Trustee Pereira reported that he attended the Mineola Fire Department Installation Dinner and congratulated outgoing Chief Rob Connolly and thanked him for his service. Trustee Pereira commented that he attended the Leisure Club luncheon with Legislator Richard Nicoletto and former Senator Michael Balboni and congratulated the new officers of the club. Trustee Pereira congratulated former Trustee John S. DaVanzo on his induction into the New York State Veteran's Hall of Fame and extended his best wishes to all fathers for Father's Day.

Trustee George R. Durham stated that he also attended the Portuguese Carnival and congratulated the Mineola Portuguese Soccer Club on winning the New York State Amateur Soccer Championship. Trustee Durham reminded fathers that Boy Scout Troop 45 would be having their annual Father's Day Pancake Breakfast Sunday from 7:00 AM – 12:00 PM at the Knights of Columbus Hall. Trustee Durham announced that two of the Mineola Athletic Association girls' softball teams (one in Division A and one in Division B) would be in championship games Saturday June 19, 2011 and wished all fathers a happy Father's Day.

7 Speakers addressed the Board

Mayor Scott P. Strauss requested a motion to close the Public Meeting at 8:00PM.

Motioned by Trustee Lawrence A. Werther

Seconded by Trustee Paul S. Cusato

Vote:

Yes

No

Abstain

Mayor Scott P. Strauss

Trustee Lawrence A. Werther

Trustee Paul S. Cusato

Trustee Paul A. Pereira

Trustee George R. Durham